

# HOUSE . . . . . No. 4059

[LOCAL APPROVAL RECEIVED.]

## The Commonwealth of Massachusetts

PRESENTED BY:

**Martin J. Walsh**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to possession of armor-piercing ammunition in the city of Boston .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	13th Suffolk
Brian P. Wallace	4th Suffolk
John A. Hart, Jr.	First Suffolk
Lida E. Harkins	13th Norfolk
William Lantigua	16th Essex
Demetrius J. Atsalis	Second Barnstable
Tom Sannicandro	7th Middlesex
Gloria L. Fox	7th Suffolk
Michael F. Rush	10th Suffolk
John H. Rogers	12th Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO POSSESSION OF ARMOR-PIERCING AMMUNITION IN THE CITY OF BOSTON .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

*Section 1.* As used in this act, this word shall have the following meaning:

“Armor-piercing ammunition” (a) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (b) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile. The term “armor-piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes or ammunition designed for target shooting.

*Section 2.* Notwithstanding any other general or special law to the contrary, no person shall be issued a license to carry or possess armor-piercing ammunition in the City of Boston, except that the licensing authority may issue an armor-piercing ammunition license to:

- a. a firearm instructor certified by the municipal police training committee for the sole purpose of firearm instruction to police personnel; or
- b. a bona fide collector of firearms upon application or upon application for renewal of such license.

*Section 3.* Notwithstanding any other general or special law to the contrary, no person shall possess or carry armor-piercing ammunition in the City of Boston without having a valid license issued under section 2 of this act.

*Section 4.* Notwithstanding any other general or special law to the contrary, no licensee under a license described in M.G.L. chapter 140, section 123, located in the City of Boston nor any employee or agent of such a licensee, shall sell, rent or lease armor-piercing ammunition to anyone other than those authorized in this act.

*Section 5.* Nothing in this act shall apply to any of the following:

- a. Any federal, state or local official required to carry armor-piercing ammunition while engaged in the performance of their official duties;
- b. Persons licensed under federal or state law to manufacture, import or sell firearm ammunition and actually engaged in any such business, but only with respect to activities that are within the lawful scope of such business. This exemption does not authorize the general private possession of armor-piercing ammunition, but only such possession that are within the lawful scope of a licensed business described herein;
- c. Manufacture, transportation or licensed sale of armor-piercing ammunition to persons authorized to possess such ammunition under this act; or
- d. Laboratories having a department of forensic ballistics or specializing in the development of ammunition or explosive arms.

*Section 6.* Any person who violates the provisions of this act shall be punished, for a first offense, by a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) or imprisonment for not less than one year and not more than ten years or by both such fine and imprisonment. A second or subsequent offense shall be punished by a fine of not less than five thousand dollars (\$5,000) and not more than fifteen thousand dollars (\$15,000) or by imprisonment of not less than five years and not more than fifteen years or by both such fine and imprisonment.

*Section 7.* Within ninety days of the effective date of this act, any person lawfully in possession of armor-piercing ammunition shall apply to the licensing authority of the City of Boston, or his designee, for a license to possess such ammunition pursuant to section 2 of this act. Any person denied a license to possess armor-piercing ammunition pursuant to this act shall, within ninety days of such denial, dispose of the armor-piercing ammunition in such a way as to not be in violation of this act. Any person who obtains armor-piercing ammunition that was lawfully held by the previous possessor under this act by bequest or intestate succession shall, within ninety days of so obtaining, either apply for a license to possess such armor-piercing ammunition or dispose of such ammunition in a manner not in violation of this act.

*Section 8.* If any provision of these sections or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of these sections and the applicability of such provision to other persons or circumstances shall not be affected thereby.

*Section 9.* The provisions of this act shall take effect upon its passage, but no penalties shall be imposed on any person in compliance with section 7 of this act.